

REMARKS/ARGUMENTS

I. Summary of Examiner's Office Action

The Examiner objected to the use of the word "course" in place of the word "coarse" throughout the specification. The Examiner also objected to use of the trademark VELCRO in the specification, without an accompanying generic term. The Examiner further objected to the use of the word "course" instead of "coarse" in claims 5, 15, and 17.

The Examiner rejected claims 5-6 and 15-17 under 35 U.S.C. §112, second paragraph, for use of the indefinite terms "fine" and "coarse". The Examiner rejected claims 1, 4-6, 8, and 11 under 35 U.S.C. §102(b) as being anticipated by Hayes U.S. Patent No. 3,886,616 ("Hayes"). The Examiner also rejected claims 2-3, 7, 9-10, and 12-19 under 35 U.S.C. §103(a) as being unpatentable over Hayes. Reconsideration of this application in view of the amendments above and the remarks set forth below is respectfully requested.

II. Amendments to the Claims and Specification

Claims 1-5, 7-15, and 17-19 remain in the application, with claims 5, 15, and 17 having been amended. Claims 6 and 16 have been canceled.

In the specification, paragraphs [024], [027], [028], [030], [034], [035], [036], and [040] have been amended in response to the Examiner's comments, as discussed below, as well as to correct minor editorial errors.

A. Amendments in Response to Examiner's Objections to Informalities Regarding Language

The Examiner objected to the use of the word "course", where the word "coarse" should have been used, throughout the specification. By the amendment set forth above, Applicant has amended the specification to correct this typographical error. Applicant submits that no new matter has been added by this amendment. Accordingly, Applicant requests that the Examiner's objection be removed.

The Examiner objected to the use of the trademark VELCRO in the specification, without accompanying generic terminology. By the amendment set forth above, Applicant has added the appropriate generic terminology. Applicant submits that no new matter has been added by this amendment. Accordingly, Applicant requests that the Examiner's objection be removed.

The Examiner also objected to the use of the word "course" instead of "coarse" in Claims 5, 15 and 17. All references to "course"/"coarse" have been removed from the

claims in response to the Examiner's rejection under 35 U.S.C. §112 for indefiniteness, as discussed below.

B. Amendments in Response to Examiner's Rejection of Claims 5-6 and 15-17 under 35 U.S.C. §112

The Examiner has rejected claims 5-6 and 15-17 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. Specifically, the Examiner objects to the use of "coarse" and "fine" as relative terms, which render the claims indefinite.

To more particularly point out the invention, by the amendment set forth above, claims 6 and 16 have been canceled. Additionally, all references to "coarse" and "fine" filtration means in claims 5, 15, and 17 have been removed. Accordingly, Applicant respectfully requests that the Examiner's 35 U.S.C. §112 rejection be withdrawn.

III. Applicant's Reply to the Examiner's Rejection of Claims 1, 4-6, 8, and 11 under 35 U.S.C. §102(b)

The Examiner has rejected claims 1, 4-6, 8, and 11 under 35 U.S.C. §102(b) as being anticipated by Hayes. Applicant respectfully traverses the rejection.

The Examiner asserts that Hayes teaches a housing, a handle means mounted to the housing, a wheel means movably mounted to the housing, at least one electrically-operated debris agitator means rotatably attached to the housing to facilitate water movement through the housing and the removal of debris from the swimming pool surface, a scraping means attached to the bottom of the housing, a debris collection means detachably connected to the housing, and a filtration means.

Applicant respectfully disagrees with the Examiner. Specifically, the Examiner asserts that Hayes teaches an electrically-operated debris agitator means rotatably attached to the housing to facilitate water movement through the housing and the removal of debris from the swimming pool surface. In connection with this assertion, the Examiner points to reference numeral (22) in the Hayes patent. Hayes defines reference numeral (22) as an impeller means connected by a shaft to a motor. In operation, the impeller set forth in Hayes does rotate, but is only used to suck or pump water through the opening in the bottom of the apparatus. Moreover, Hayes does not teach, claim, or show that its impeller serves to agitate debris or to facilitate its removal from the swimming pool surface. In fact, nowhere does Hayes even imply

that the impeller makes contact with the swimming pool surface. Additionally, no other part of the pool cleaning apparatus taught by Hayes may be described as a debris agitator which rotates with respect to the housing and facilitates both water movement through the housing and removal of debris from the pool surface.

Thus, it is clear that Hayes does not teach, claim, or even suggest Applicant's claimed debris agitator means rotatably attached to the housing to facilitate water movement through the housing and the removal of debris from the swimming pool surface. Accordingly, at least for the reasons set forth above, Applicant respectfully asserts that independent claims 1 is not anticipated by Hayes under 35 U.S.C. §102(b). Moreover, dependent claims 4, 5, 8, and 11 all depend directly from claim 1, and therefore include all limitations thereof. Applicant therefore requests that the Examiner's 35 U.S.C. §102(b) rejection be withdrawn and that claims 1, 4, 5, 8, and 11 be allowed.

IV. Applicant's Reply to the Examiner's Rejection of Claims 2-3, 7, 9-10, and 12-19 under 35 U.S.C. §103(a)

The Examiner has rejected claims 2-3, 7, 9-10, and 12-19 under 35 U.S.C. §103(a) as being unpatentable over Hayes. Applicant respectfully traverses the rejection.

The Examiner asserts that it would have been readily obvious for the skilled artisan to have modified the cleaner of Hayes to include a handle that is adjustable in length and pivotally attached to a housing, a debris agitator geared to rotational movement of wheels, electrically operated wheels, or a water-driven debris agitator.

Applicant respectfully submits that despite any disclosures in the prior art that may teach a handle either adjustable in length or pivotally attached to a housing, a debris agitator geared to rotational movement of wheels, electrically operated wheels, or a water-driven debris agitator, none of these disclosures cure the failure of Hayes and the prior art of record to teach, claim, or even suggest a debris agitator means rotatably attached to the housing to facilitate water movement through the housing and the removal of debris from the swimming pool surface.

Claims 2, 3, 7, 9, and 10 of the present application all depend directly from claim 1. As stated above, the swimming pool cleaning apparatus of claim 1 comprises at least one debris agitator means rotatably attached to the housing to facilitate water movement through the housing and the removal of debris from the swimming pool surface. Claim 12 of the present application claims a pool cleaning apparatus

comprising, *inter alia*, an electrically operated debris agitator means rotatably attached to the housing and spring loaded against the pool surface to facilitate water movement through the housing and the removal of debris from the swimming pool surface, and claims 13-15 all depend directly from claim 12. Claim 16 has been cancelled.

The pool cleaning apparatus in each of claims 17 and 18 comprises at least one electrically operated debris agitator means rotatably attached to the housing to facilitate water movement through the housing and the removal of debris from the swimming pool surface. The pool cleaning apparatus in claim 19 comprises a plurality of electrically operated debris agitator means rotatably attached to the housing to facilitate water movement through the housing and the removal of debris from the swimming pool surface.

Thus, it is clear that Hayes does not teach, claim, or even suggest a debris agitator means rotatably attached to the housing to facilitate water movement through the housing and the removal of debris from the swimming pool surface recited in each of the rejected claims, at least for the reasons stated in Applicant's response to the 35 U.S.C. §102(b) rejection as set forth above. Accordingly, at least for those reasons, Applicant respectfully asserts that claims 2-3, 7, 9-

Appl. No. 10/736,937
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10, 12-15, and 17-19 are patentable over Hayes under 35 U.S.C. §103(a). Applicant therefore requests that the Examiner's 35 U.S.C. §103(a) rejection be withdrawn and that claims 2-3, 7, 9-10, 12-15, and 17-19 be allowed.

V. Conclusion

Applicant respectfully submits that claims 1-5, 7-15, and 17-19 which remain in the application are in condition for allowance and, therefore, that this application is in condition for allowance. Reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,



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